

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

<p>Aljuan C. Hixon,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>City of Golden Valley, Dennis Arons, Mario Hernandez, David Kuhnly, and Christine McCarville,</p> <p style="text-align: center;">Defendants.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Case No. 06-Civil 1548 (RHK/JSM)</p> <p style="text-align: center;">PLAINTIFF’S EXHIBIT AND AMENDED WITNESS LIST</p>
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Presiding Judge: Richard H. Kyle	Plaintiff’s Attorneys Andrew Parker, Esq. Anthony Edwards, Esq.	Defendants’ Attorneys Jon K. Iverson, Esq. Susan M. Tindal, Esq.
Trial Date: September 10, 2007	Court Reporter:	Courtroom Deputy:

Plf. No.	Def. No.	Date Offered	Marked	Admitted	Description of Exhibits and Witnesses
					<u>Exhibits</u>
1					Incident Report – Obstruction Charge (GDPA 0001-2)
2					Incident Report – Narrative – Hernandez (GDPA 0003-6)
3					Incident Report – Narrative – McCarville (GDPA 0007-11)
4					Incident Report – Narrative – Arons (GDPA 0012-5)
5					Incident Report – Narrative – Smith (GDPA 0016-18)
6					Arrest Report – Hixon (GDPA 0018A-19)
7					Statement of Brian Dahlberg 4/4/05 (GDPA 0055-58)
8					Incident Report – Robbery Charge (GDPA 0023-7, 0034-48)
9					GVPD Press Release 4/2/05 (Blad Depo Ex. 44)
10					Criminal Complaint Referral re Hixon (GDPA 0022)
11					Minnesota Statutes § 609.50 – Obstructing Legal Process with Force
12					Correspondence 4/18/05 confirming request of Deputy Chief to not prosecute. (Johnson Depo. Ex. 52)

13					Correspondence 4/14/05 to Police Chief requesting preservation of all radio communication regarding robbery and subject incident. (Blad Depo. Ex. 43)
14					Correspondence regarding request for all radio communications related to the 4/2/05 incident: 6/28/05 letter to City from Andrew Parker (Loomis Depo. Ex. 42); 8/10/05 letter to Allen Barnard from Andrew Parker (Blad Depo. Ex. 45); 8/11/05 letter to Andrew Parker from Allen Barnard; 8/23/05 letter to Allen Barnard from Andrew Parker (Blad Depo. Ex. 47); 9/6/05 letter to Andrew Parker from Allen Barnard (Blad Depo Ex. 48); and 10/3/05 correspondence to Allen Barnard from Andrew Parker (Blad Depo. Ex. 49).
15					Transcript of all radio communications related to robbery and subject incident. (GV 053-6)
16					Incident Recall Record from Dispatch. (GV 049-52)
17					E-mail 4/4/05 from Police Chief to City Manager re: Employee Complaint Procedures and Hixon investigation. (GV 035)
18					Correspondence 5/2/05 from Al Hixon to Mayor Loomis. (GV 005-11)
19					Correspondence 5/2/05 from Al Hixon to Mayor Loomis. (GV 012-5)
20					Correspondence 5/12/05 from Police Chief to Al Hixon regarding investigation. (GV 016)
21					Deputy Chief Roger Johnson's Finding that Al Hixon's Complaint is Unfounded 6/23/05 (Johnson Depo. Ex. 53)
22					GVPD Use of Force Continuum. (GV 10002)
23					The "Reasonableness" Test and Fleeing Felon Rule. (GDPA 0496; McCarville Depo. Ex. 20; Hernandez Depo. Ex. 2)
24					Aerial Photograph of Sinclair Station
25					John R. Shirriff C.V. (AH 1648-50; Shirriff Depo. Ex. 30)
26					Ginny Jacobs C.V.
27					Emergency Room Record 4/2/05. (AH 0004-8)
28					Health Partners Medical Records 4/3/05-5/12/05. (AH 0051-2, 0163-5, 0041-50, 0154)
29					4/28/05 Fax from Plaintiff to Rita McQueen (sic) (AH 0042-3)
30					Health Partners Medical Records 6/8/05-6/29/05. (AH 0031-2, 34-6, 38-40, Shirriff Depo. Ex. 34)
31					Health Partners Insurance Non-Renewal Letter 10/25/05. (AH 0494)
32					BHSI Records. (AH 0642-51; Shirriff Depo. Ex. 36)
33					Cris Johnston IME and MMPI/VIP Interpretive Report.

					(Shirriff Depo. Ex. 37)
34					Courage Center Records. (AH 1623-30, 1640-4, Shirriff Depo. Ex. 38)
35					Harvard Mental Health Letter: August 2007 "Rethinking Posttraumatic Stress Disorder". (AH 1641-4; Shirriff Depo. Ex. 39)
36					Valley Wellness Clinic Records. (AH 0704)
37					Center for Diagnostic Imaging Records. (AH 1031-3)
38					Advanced Medical of Twin Cities Records. (DEF 00303-9)
39					Summary Chart of Total Medical Expenses 8/16/07.
40					Itemized Medical Bills from North Memorial Health Care, North Ambulance, Health Partners, Valley Wellness, Center for Diagnostic Imaging, BHSI, Courage Center and Advanced Medical (AH 0693, 1655, 0640, 0695-8, 0700, 0703, 0752, 1658, 1631-4, 1638-9)
41					Excerpts of Golden Valley Police Department Field Training Materials on use of Aerosol Irritants Including Pepper Spray. (GDPA 0107, 0127-9)
42					Golden Valley Police Department Use of Force and Firearms Policy – GP 8.09. (GDPA 0148-55)
43					Golden Valley Police Department Policy on Investigating Complaints Against Employees – GP 8.07.
44					Anthony Bouza C.V.
					<u>Witnesses</u>
1					Aljuan Hixon – will testify regarding his personal knowledge of the events of 4/2/05 involving Defendants and thereafter.
2					Sheri Hixon – will testify regarding her personal knowledge of the events of 4/2/05 and their impact on Plaintiff.
3					Ron Feist - may testify regarding the events of 4/2/05.
4					Dave Greenwood - may testify regarding the events of 4/2/05.
5					Dennis Arons - may testify regarding the events of 4/2/05.
6					Kelly Blad - may testify regarding the events of 4/2/05 and requests by Plaintiff for information and the GVPD's dispatch system.
7					Mario Hernandez - may testify regarding the events of 4/2/05.
8					Christine McCarville - may testify regarding the events of 4/2/05.
9					Brian Dahlberg - may testify regarding the events of 4/2/05.

10					Andrew Willenbring - may testify regarding the events of 4/2/05 and the GVPD's dispatch system.
11					Angel Jensen - may testify regarding the events of 4/2/05 and the GVPD's dispatch system.
12					Jill Hanson - may testify regarding the events of 4/2/05 and the GVPD's dispatch system.
13					Roger Johnson - may testify regarding the events of 4/2/05 and investigation thereafter.
14					Craig Smith - may testify regarding the events of 4/2/05.
15					Mayor Linda Loomis – may testify regarding the City's handling of the 4/2/05 incident.
16					Former Police Chief Robert Hernz – may testify regarding the GVPD's handling of the 4/2/05 incident.
17					Allen Barnard, Esq. – may testify regarding the City's response to Plaintiff's Government Data Practices request.
18					Anthony Bouza, Former Chief, Minneapolis Police Department – will testify regarding excessive use of force as it relates to Plaintiff's arrest on 4/2/05.
19					Ginny Jacobs, MA, MS, LMFT, LP - will testify regarding mental health counseling services provided to Plaintiff at BHSL.
20					John Shirriff, Psychiatrist – will testify regarding psychiatric services provided to Plaintiff at BHSL.
21					Rita McKee, NP-A – will testify regarding health care services provided to Plaintiff at Health Partners.
22					Dr. Douglas Wilson – will testify regarding health care services provided to Plaintiff at Health Partners.
23					Dennis Hodgdon - may testify regarding the impact this incident has had on Plaintiff.
24					Dr. Verna Price - may testify regarding caretaking of Plaintiff's children following the incident of 4/2/05 and the impact the subject incident has had on Plaintiff and his family.
25					Custodian of Medical and Billing Records for Health Partners.
26					Custodian of Medical and Billing Records for BHSL.
27					Custodian of Medical and Billing Records for Courage Center.
28					Custodian of Medical and Billing Records for Valley Wellness.
29					Custodian of Medical and Billing Records for Center for Diagnostic Imaging.
30					Custodian of Medical and Billing Records for Advanced Medical of Twin Cities.

31					Custodian of Medical and Billing Records for North Memorial Medical Center.
32					Custodian of Medical and Billing Records for North Ambulance.
33					David Foley – will testify regarding measurements taken at Golden Valley Sinclair station.

Plaintiff reserves the right to call any witness listed by Defendants and any other rebuttal witness not listed above for purposes of rebuttal, and other witnesses, if necessary, to provide proper foundation for medical records, photographs and documentary evidence to the extent not stipulated prior to trial.

Dated this 29th day of August, 2007

Respectfully submitted,

PARKER ROSEN, LLC

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ATTORNEYS FOR PLAINTIFF